UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,933	10/30/2003	Rene Bitsch	M61.12-0532	1035

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

o

	Application No.	Applicant(s)
Office Action Summary	10/696,933	BITSCH, RENE
	Examiner	Art Unit	
	Anh Ly	2162	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

  4a) Of the above claim(s) <u>1-16</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>17-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1. This Office Action is response to Applicant's RESPONSE to

RESTRICTION REQUIREMENT filed on 11/28/2005.

2. Claims 1-16 have been cancelled.

3. Claims 17-40 are pending in this application.

Claim Rejections - 35 USC § 112

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential elements, such omission amounting to a gap

between the elements. See MPEP § 2172.01. The omitted elements are: the

receiving data does not show how the data to be used.

5. Claim 1 recites the limitation "searching the database" in line 6 of claim 1.

There is insufficient antecedent basis for this limitation in the claim.

6. Claim 39, recites the limitation "the new term to suggested" in line 6. There

is not clearly what the "suggested" is. – Indefinite language.

Double Patenting

7. A rejection based on double patenting of the "same invention" type finds
its support in the language of 35 U.S.C. 101 which states that "whoever invents
or discovers any new and useful process ... may obtain a patent therefor ..."
(Emphasis added). Thus, the term "same invention," in this context, means an
invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151
U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and
In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be
overcome by canceling or amending the conflicting claims so they are no longer

coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

8.   Claims 17, 19-23, 25-26, 28, 30, 32, and 34-35 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 14, 17 and 18 of copending Application No. 10/676,834. Although the conflicting claims are not identical, they are not patentably distinct from each other because searching a database for text matching a desired text, returning to the use a list of match; creating a new object, assigning a GUI for new object...T

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

10.   Claims 17-21 and 25-32 as the best of understanding of examiner are

rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US

2004/0254929 A1 of Vronay et al. (hereinafter Vronay).

The applied reference has a common assignee with the instant

application. Based upon the earlier effective U.S. filing date of the reference, it

constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C.

102(e) might be overcome either by a showing under 37 CFR 1.132 that any

invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an

appropriate showing under 37 CFR 1.131.

With respect to claim 17, Vronay teaches a method of identifying and

creating text for a term in a term database that matches a desired terminology for

a label (using the database query user interface to enter the query or term or

phrase for constructing or forming a database containing database query object :

abstract, section 0036-0038, fig. 3) comprising the step of :

receiving data at an interface indicative of how the new term is used

(using user interface to input the query or new term with the support of auto-

complete feature to show how the query or text string or term is used: Fig. 15,

sections 0073-75 and 0079);

searching the database for text matching a desired text (fig. 1, item 104:

entering the query or information for searching a database containing : section

0025); and

returning to the user a list of matches found in the term database (fig. 1,

item 106, returning the list of matched relevance information and displaying to

the user: section 0025).

With respect to claim 18, Vronay teaches wherein searching further

includes searching in a term area of the term database for terms matching a

desired specific use of the term (using the feature of auto-complete for

supporting to the entered search query, specific use in the area or subject for the

search term, for searching the database and getting the matched or desired text

via a user interface: figs. 3-8, and 15).

With respect to claim 19, Vronay teaches selecting one of the matches

found the term database (selecting or clicking on the list of result that retrieved

from the database (section 0045).

With respect to claim 20, Vronay teaches wherein receiving the data for

the term includes receiving at least a portion of the desired text (sections 0043-

0045).

With respect to claim 21, Vronay teaches creating a new object in the term

database for the new term (modifying or editing the existing or current query

object to be a new query object: sections 0041 & 0052).

With respect to claim 25, Vronay teaches storing the new term in the term database (new query object storing in the database: abstract, sections 0005 and 0046-0048).

With respect to claim 26, Vronay teaches storing versions of the text for the term in a record in a term text database (sections 0005 and 0046-0048).

With respect to claim 27, Vronay teaches opening a dialog interface prior to receiving data into the interface, and receiving the data in the dialog interface (figs. 2-8, & 13-15 are dialog box or drop-down menu for selecting or clicking the desired object for the search query).

With respect to claim 28, Vronay teaches selecting records the term database having at least a portion of the desired text, identifying in the selected records an indication of how the selected record used, comparing the indicated use of the selected records with the indicated use of the new term; and ordering the selected records based on a match with the desired text and indicated use of the new term (abstract, sections 0038-0041, 0048, 0077-0078 and 0081-0082).

With respect to claim 29, Vronay teaches selecting records in the term database having a similar specific use as the new term (section 0048).

With respect to claim 30, Vronay teaches displaying the list matches on the user interface (sections 0025 and 0080 and fig. 1).

With respect to claim 31, Vronay teaches displaying information for each identified entry contained in the term database (sections 0025, 0081 and fig. 1).

With respect to claim 32, Vronay teaches receiving an indication that one

record in the list of matches is a desired entry, and selecting that entry as the

new term text (abstract, sections 0038-0041, 0048, 0077-0078 and 0081-0082).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

12.   Claims 22, 35, and 38-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pub. No.: US 2004/0254929 A1 of Vronay et al. (hereinafter

Vronay) in view of Pub. No.: US 2002/0156775 A1 of Yamamoto.

With respect to claim 22, Vronay teaches a method of identifying and

creating text for a term as discussed in clam 17.

Vronay teaches using user interface to receive, search for the matched list

of the desired text entered by user. Also Vronay teaches how to create a new

query object from the current or existing query object and how the entered query

object to be in specific use by using the auto-complete feature. Vronay does not

clearly teach assign a GUID for the new term.

However, Yamamoto teaches GUID to be recorded to each image or text

object or database record in the database (abstract and section 0095).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vronay with the teachings of Yamamoto. One having ordinary skill in the art would have found it motivated to utilize the use of GUID in the object stored in the database record as disclosed (Yamamoto's abstract and section 0095), into the system of Vronay for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claim 35, Vronay teaches a method of identifying and creating text for a term as discussed in clam 17.

Vronay teaches using user interface to receive, search for the matched list of the desired text entered by user. Also Vronay teaches how to create a new query object from the current or existing query object and how the entered query object to be in specific use by using the auto-complete feature. Vronay does not clearly teach an ID of the selected term.

However, Yamamoto teaches ID for each query object for searching against the database (sections 0073-0074).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vronay with the teachings of Yamamoto. One having ordinary skill in the art would have found it motivated to utilize the use of ID in the object stored in the database record as disclosed (Yamamoto's abstract and section 0095), into the system of Vronay for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claim 38, Vronay teaches a method of identifying and creating text for a term as discussed in clam 17.

Vronay teaches using user interface to receive, search for the matched list of the desired text entered by user. Also Vronay teaches how to create a new query object from the current or existing query object and how the entered query object to be in specific use by using the auto-complete feature. Vronay does not clearly teach an ID of the selected term.

However, Yamamoto teaches ID for each query object for searching against the database (sections 0073-0074).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vronay with the teachings of Yamamoto. One having ordinary skill in the art would have found it motivated to utilize the use of ID in the object stored in the database record as disclosed (Yamamoto's abstract and section 0095), into the system of Vronay for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claim 39, Vronay teaches a method of identifying and creating text for a term as discussed in clam 17. Also Vronay teaches changing the status of a query (sections 0041 and 0050-0051)

Vronay teaches using user interface to receive, search for the matched list of the desired text entered by user. Also Vronay teaches how to create a new query object from the current or existing query object and how the entered query

object to be in specific use by using the auto-complete feature. Vronay does not clearly teach an ID of the new term.

However, Yamamoto teaches ID for each query object for searching against the database (sections 0073-0074).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vronay with the teachings of Yamamoto. One having ordinary skill in the art would have found it motivated to utilize the use of ID in the object stored in the database record as disclosed (Yamamoto's abstract and section 0095), into the system of Vronay for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claim 40, Vronay teaches changing the state of the new term to a verified state following a review process (sections 0050-0051).

13.   Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pub. No.: US 2004/0254929 A1 of Vronay et al. (hereinafter Vronay) in view

of Pub. No.: US 2002/0156775 A1 of Yamamoto and further in view of Pub. No.:

US 2004/0260689 A1 of Colace et al. (hereinafter Colace).

With respect to claims 23, Vronay in view of Yamamoto discloses a

method for identifying and creating text as discussed in claim 1.

Vronay and Yamamoto disclose substantially the invention as claimed.

Vronay and Yamamoto do not teach receiving a category code for the new term;

and receiving a description for the new term.

However, Colace teaches category and description for a search term (fig.

7, and fig. 8, sections 0055-0058).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to combine the teachings of Vronay in

view of Yamamoto with the teachings of Colace by incorporating the use of

recei8ng category and description of a search term or query object. a

predetermined list of words comprises stop words. The motivation being to have

a list of search term match the entered query object and display the searcher as

search results (Colace's section 0004).

With respect to claim 24, Vronay teaches receiving a specific desired use

of the new term (using user interface to input the query or new term with the

support of auto-complete feature to show how the query or text string or term is

used: Fig. 15, sections 0073-75 and 0079).

14.   Claims 33-34, 36-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pub. No.: US 2004/0254929 A1 of Vronay et al. (hereinafter

Vronay) in view of Pub. No.: US 2004/0260689 A1 of Colace et al. (hereinafter

Colace).

With respect to claim 33, Vronay teaches a method of identifying and

creating text for a term as discussed in clam 17. Also Vronay teaches paring one

language format to another language format (section 27).

Vronay teaches using user interface to receive, search for the matched list

of the desired text entered by user. Also Vronay teaches how to create a new

query object from the current or existing query object and how the entered query

object to be in specific use by using the auto-complete feature. Vronay does not

clearly teach comparing the category of the selected term against category of the

term, wherein the category of the selected term is not the same as the category

of the new term, duplicating the selected term to the new term in the term

database.

However, Colace teaches comparing the category (sections 0061-0062).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to combine the teachings of Vronay with

the teachings of Colace. One having ordinary skill in the art would have found it

motivated to utilize the use of comparing the selected record as disclosed

(Colace's sections 0061-0062, into the system of Vronay for the purpose of

improving the searching database performance, thereby, helping to return the

matched based on the desired text more efficient.

With respect to claim 34, Vronay teaches duplicating any translations in a term text database to the record in the term text database for the new term (section 27, parsing into anther language format).

With respect to claim 36, Vronay teaches a method of identifying and creating text for a term as discussed in clam 17. Also Vronay teaches paring one language format to another language format (section 27).

Vronay teaches using user interface to receive, search for the matched list of the desired text entered by user. Also Vronay teaches how to create a new query object from the current or existing query object and how the entered query object to be in specific use by using the auto-complete feature. Vronay does not clearly teach comparing the category of the selected term against category of the term, wherein the category of the selected term is not the same as the category of the new term, duplicating the selected term to the new term in the term database.

However, Colace teaches comparing the category (sections 0061-0062).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vronay with the teachings of Colace. One having ordinary skill in the art would have found it motivated to utilize the use of comparing the selected record as disclosed (Colace's sections 0061-0062, into the system of Vronay for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claim 37, Vronay teaches duplicating any translations in a

term text database to the record in the term text database for the new term

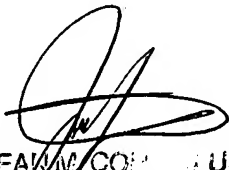(section 27, parsing into anther language format).

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An Ly whose telephone number is **(571) 272-4039** or via **fax number: (571) 273-4039 (Examiner's fax number)** or e-mail address: **(with your authorization by written statements) anh.ly@uspto.gov.** The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov.** Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks,   Washington, D.C. 20231, or faxed to: **Central Fax Center: (571) 273-8300**

ANH LY
JAN. 20th, 2006

JEAN/CORRIELUS
PRIMARY EXAMINER